

## [CHAPTER 464]

## AN ACT

To amend sections 207, 213, 215, 216, 220, 222, and 225, of title 2 of the Hawaiian Homes Commission Act, 1920, as amended.

June 14, 1948  
[H. R. 3680]  
[Public Law 638]

Hawaiian Homes  
Commission Act,  
amendments.

42 Stat. 110.  
48 U. S. C. § 701 (a).

Kalanianaʻole Settle-  
ment on Molokai.

Farm lots.

58 Stat. 264.  
48 U. S. C. § 701 (c).

Licenses.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 207 (a) of the Hawaiian Homes Commission Act, 1920, as amended, is hereby further amended to read as follows:

**"SEC. 207. LEASES TO HAWAIIANS, LICENSES.—**

"(a) The Commission is authorized to lease to native Hawaiians the right to the use and occupancy of a tract or tracts of Hawaiian home lands within the following acreage limits per each lessee: (1) Not less than one nor more than forty acres of agricultural lands; or (2) not less than one hundred nor more than five hundred acres of first-class pastoral lands; or (3) not less than two hundred and fifty nor more than one thousand acres of second-class pastoral lands; or (4) not more than one acre of any class of land to be used as a residence lot: *Provided, however,* That, in the case of any existing lease of a farm lot in the Kalanianaʻole Settlement on Molokai, a residence lot may exceed one acre but shall not exceed four acres in area, the location of such area to be selected by the lessee concerned: *Provided further,* That a lease granted to any lessee may include two detached farm lots located on the same island and within a reasonable distance of each other, one of which, to be designated by the Commission, shall be occupied by the lessee as his home, the gross acreage of both lots not to exceed the maximum acreage of an agricultural or pastoral lot, as the case may be, as provided in this section."

**SEC. 2.** Section 207 (c) of the Hawaiian Homes Commission Act, 1920, as amended, is hereby further amended to read as follows:

"(c) (1) The Commission is authorized to grant licenses for terms of not to exceed twenty-one years in each case, to public-utility companies or corporations as easements for railroads, telephone lines, electric power and light lines, gas mains, and the like. The Commission is also authorized to grant licenses for lots within a district in which lands are leased under the provisions of this section, to—

"(A) churches, hospitals, and public schools;

"(B) theaters, garages, service stations, markets, stores, and other mercantile establishments (all of which shall be owned by lessees of the Commission or by organizations formed and controlled by said lessees).

"(2) The Commission is also authorized, with the approval of the Governor, to grant licenses to the United States for terms not to exceed five years, for reservations, roads, and other rights-of-way, water storage and distribution facilities, and practice target ranges: *Provided,* That any such license may be extended from time to time by the Commission, with the approval of the Governor, for additional terms of three years: *Provided further,* That any such license shall not restrict the areas required by the Commission in carrying on its duties, nor interfere in any way with the Commission's operation or maintenance activities."

**SEC. 3.** Section 213 of the Hawaiian Homes Commission Act, 1920, as amended, is hereby further amended to read as follows:

**"SEC. 213. HAWAIIAN HOME-LOAN FUND; HAWAIIAN HOME-DEVELOPMENT FUND; HAWAIIAN HOME-OPERATING FUND; HAWAIIAN HOME-ADMINISTRATION ACCOUNT.—**(a) There are hereby established in the treasury of the Territory two revolving funds to be known as the Hawaiian home-loan fund and the Hawaiian home-operating fund, and two special funds to be known as the Hawaiian home-development fund and the Hawaiian home-administration account.

42 Stat. 112.  
48 U. S. C. § 707.

“(b) HAWAIIAN HOME-LOAN FUND.—Thirty per centum of the Territorial receipts derived from the leasing of cultivated sugar-cane lands under any other provisions of law, or from water licenses, shall be deposited into the Hawaiian home-loan fund until the aggregate amount of the fund (including in said amount the principal of all outstanding loans and advances, and all transfers which have been made from this fund to other funds for which this fund has not been or need not be reimbursed) shall equal \$2,000,000. In addition to these moneys, there shall be covered into the loan fund the installments of principal paid by lessees upon loans made to them as provided in paragraph 2 of section 215, or as payments representing reimbursements on account of advances made pursuant to section 209 (1), but not including interest on such loans or advances. The moneys in said fund shall be available only for loans to lessees as provided for in this Act, and for the payments provided for in section 209 (1), and shall not be expended for any other purpose whatsoever, except as provided in paragraphs (c) and (d) of this section.

*Post*, p. 392.

50 Stat. 504.  
48 U. S. C. § 703 (1).

“(c) HAWAIIAN HOME-DEVELOPMENT FUND.—Twenty-five per centum of the amount of moneys covered into the Hawaiian home-loan fund annually shall be transferred into the Hawaiian home-development fund until the aggregate amount of such annual transfers shall equal \$400,000. The moneys in said development fund shall be available, with the prior written approval of the Governor, for the construction of sanitary sewerage facilities, for the construction of roads through and over Hawaiian home lands, and for other nonrevenue producing improvements.

“(d) HAWAIIAN HOME-OPERATING FUND.—All moneys received by the Commission from any other source, except moneys received for the Hawaiian home-administration account, shall be deposited in a revolving fund to be known as the Hawaiian home-operating fund. The moneys in said fund shall be available (1) for construction and reconstruction of revenue-producing improvements, including acquisition therefor of real property and interests therein, such as water rights or other interests; (2) for payment into the treasury of the Territory of such amounts as are necessary to meet the following charges for Territorial bonds issued for such revenue-producing improvements, to wit, the interest on such bonds, and the principal of such serial bonds maturing the following year; (3) for operation and maintenance of such improvements, heretofore or hereafter constructed from said fund or other funds; and (4) for the purchase of water or other utilities, goods, commodities, supplies, or equipment and for services, to be resold, rented, or furnished on a charge basis to occupants of Hawaiian home lands. The moneys in said fund may be supplemented by other funds available for, or appropriated by the legislature for, the same purposes. In addition to such moneys, said fund, with the approval of the Governor, may be supplemented by transfers made on a loan basis from the home-loan fund. The amounts of all such transfers shall be repaid into the home-loan fund in not exceeding ten annual installments, and the aggregate amount of such transfers outstanding at any one time shall not exceed \$500,000. No projects or activities shall be undertaken hereunder except as authorized by sections 220 and 221 or the other provisions of this Act.

Supplemental  
funds.

*Post*, p. 393.  
42 Stat. 114.  
48 U. S. C. § 715.

“(e) MATCH MONEYS.—The Commission is authorized and empowered to use moneys in the development and operating funds, with the prior written approval of the Governor, to match Federal, Territorial, or county funds available for the same purposes and to that end is authorized to enter into such undertaking, agree to such conditions, transfer funds therein available for such expenditure and do and perform such other acts and things, as may be necessary or

required, as a condition to securing match funds for such projects or works.

"(f) HAWAIIAN HOME-ADMINISTRATION ACCOUNT.—The entire receipts derived from any leasing of the available lands defined in section 204 shall be deposited into the Hawaiian home-administration account. The moneys in said account shall be expended by the Commission for salaries and all other administration expenses of the Commission, not including structures and other permanent improvements, subject, however, to the following conditions and requirements:

42 Stat. 110.  
48 U. S. C. § 698.

Budget estimates.

"(1) The Commission shall, at such time as the Governor may prescribe, but not later than November 15 preceding each biennial session of the legislature, submit to the Territorial director of the Bureau of the Budget its budget estimates of expenditures for the next ensuing biennium in the manner and form and as required by Territorial law of Territorial departments and establishments.

"(2) The Commission's budget, if it meets with the approval of the Governor, shall be included in the Governor's budget report and shall be transmitted to the legislature for its approval.

"(3) Upon approval by the legislature of the Commission's budget estimate of expenditures for the ensuing biennium, the amount thereof shall be available to the Commission for said biennium and shall be expendable by the Commission for the expenses hereinabove provided, or, if no action on the budget is taken by the legislature prior to adjournment, the amount submitted to the legislature, but not in excess of \$200,000, shall be available for such expenditures; any amount of money in said account in excess of the amount approved by the legislature for the biennium or so made available shall be transferred to the general fund of the treasury of the Territory, such transfer to be made immediately after the amount of moneys deposited in said administration account shall equal the amount approved by the legislature or so made available.

"(4) The money in said administration account shall be expended by the Commission in accordance with Territorial laws, rules, and regulations and practices."

SEC. 4. Section 215 (1) of the Hawaiian Homes Commission Act, 1920, as last amended by the Act of November 26, 1941 (55 Stat. L. 785), is hereby further amended by deleting from the first sentence the figures "\$3,000" and inserting in lieu thereof "\$5,000", and by deleting from the first sentence the figures "\$1,000" and inserting in lieu thereof "\$3,000", so as to cause the portion of the first sentence following the colon and preceding the proviso to read as follows: "The amount of loans at any one time to any lessee, or successor or successors in interest, of a tract of agricultural or pastoral land shall not exceed \$5,000 and to any lessee or successor or successors in interest, of a residence lot shall not exceed \$3,000."

42 Stat. 112.  
48 U. S. C. § 709 (2).

Repayment of loans.

SEC. 5. Section 215 (2) of the Hawaiian Homes Commission Act, 1920, as amended, is hereby further amended to read as follows:

"(2) The loans shall be repaid in periodic installments, such installments to be monthly, quarterly, semiannual, or annual as may be determined by the Commission in each case. The term of the loan shall not exceed thirty years: *Provided*, That payments in any sum in addition to the required installments, or payment of the entire amount of the loan, may be made at any time within the term of the loan. All unpaid balances of principal shall bear interest at the rate of 3 per centum per annum, payable periodically or upon demand by the Commission, as the Commission may determine. The payment of any installment due shall, with the concurrence therein of at least three of the five members of the Commission, be postponed in whole or in part by the Commission for such reasons as it deems good and

Postponement of payment.

sufficient and until such later date as it deems advisable. Such postponed payments shall continue to bear interest at the rate of 3 per centum per annum on the unpaid principal."

SEC. 6. Section 216 of the Hawaiian Homes Commission Act, 1920, as amended, is hereby further amended to read as follows:

"SEC. 216. **INSURANCE BY BORROWERS; ACCELERATION OF LOANS; LIEN AND ENFORCEMENT THEREOF.**—The Commission may require the borrower to insure, in such amount as the Commission may by regulation prescribe, all livestock and dwellings and other permanent improvements upon his tract, purchased or constructed out of any moneys loaned from the fund; or in lieu thereof the Commission may directly take out such insurance and add the cost thereof to the amount of principal payable under the loan. Whenever the Commission has reason to believe that the borrower has violated any condition enumerated in paragraphs (2), (4), (5), or (6) of section 215 of this title, the Commission shall give due notice and afford opportunity for a hearing to the borrower or the successor or successors to his interest in the tract as the case demands. If upon such hearing the Commission finds that the borrower has violated the condition the Commission may declare all principal and interest of the loan immediately due and payable notwithstanding any provision in the contract of loan to the contrary. The Commission shall have a first lien upon the borrower's or lessee's interest in his tract, growing crops, either on the tract or in any collective contract or program, dwellings, or other permanent improvements thereon, and his livestock, to the amount of all principal and interest due and unpaid and of all taxes and insurance upon such tract and improvements paid by the Commission, and of all indebtedness of the lessee, the payment of which has been assured by the Commission. Such lien shall have priority over any other obligation for which the tract, said growing crops, dwellings, other improvements, or livestock may be security.

"The Commission may, at such times as it deems advisable, enforce any such lien by declaring the borrower's interest in his tract, or his successor's interest therein, as the case may be, together with the said growing crops, dwellings, and other permanent improvements thereon, and the livestock, to be forfeited, the lease in respect to such tract canceled, and shall thereupon order the tract to be vacated and the livestock surrendered within a reasonable time. The right to the use and occupancy of the Hawaiian home lands contained in such tract shall thereupon revert in the Commission, and the Commission may take possession of the tract and the improvements and growing crops thereon: *Provided*, That the Commission shall pay to the borrower any difference which may be due him after the appraisal provided for in paragraph (1) of section 209 of this title has been made."

SEC. 7. Section 220 of the Hawaiian Homes Commission Act, 1920, as amended, is hereby further amended to read as follows:

"SEC. 220. **DEVELOPMENT PROJECTS; APPROPRIATIONS BY TERRITORIAL LEGISLATURE; BONDS ISSUED BY LEGISLATURE.**—The Commission is authorized directly to undertake and carry on general water and other development projects in respect to Hawaiian home lands and to undertake other activities having to do with the economic and social welfare of the homesteaders, including the authority to derive revenue from the sale, to others than homesteaders, of water and other products of such projects or activities, or from the enjoyment thereof by others than homesteaders, where such sale of products or enjoyment of projects or activities by others does not interfere with the proper performance of the duties of the Commission: *Provided, however*, That roads through or over Hawaiian home lands, other than Federal-aid highways and roads, shall be maintained by the county or city and county in which said particular road or roads to be maintained

42 Stat. 113.  
48 U. S. C. § 710.

Violations.

*Ante*, p. 392.  
42 Stat. 112.  
48 U. S. C. § 709 (4)  
(5) (6).

Immediate payment  
if violation found.

First lien on prop-  
erty, etc.

Enforcement of lien.

Revestment of lands  
in Commission.

Payment of differ-  
ence.

50 Stat. 504.  
48 U. S. C. § 703 (1).  
42 Stat. 114.  
48 U. S. C. § 714.

Maintenance of  
roads.

Appropriation authorized.

are located. The Legislature of the Territory is authorized to appropriate out of the treasury of the Territory such sums as it deems necessary to augment the Hawaiian home-loan fund, the Hawaiian home-development fund, the Hawaiian home-operating fund, and the Hawaiian home-administration account, and to provide the Commission with funds sufficient to execute and carry on such projects and activities. The legislature is further authorized to issue bonds to the extent required to yield the amount of any sums so appropriated for the payment of which, if issued for revenue-producing improvements, the Commission shall provide, as set forth in section 213 (d)."

Issuance of bonds.

*Ante*, p. 391.

48 U. S. C. § 694.

Presentation of vouchers.

SEC. 8. Section 222 of the Hawaiian Homes Commission Act, 1920, as last amended by the Act of November 26, 1941 (55 Stat. L. 787), is hereby further amended by amending the second sentence thereof to read as follows: "All expenditures of the Commission, as herein provided out of the Hawaiian home-administration account, the Hawaiian home-development fund, or the Hawaiian home-operating fund, and all moneys necessary for loans made by the Commission, in accordance with the provisions of this chapter, from the Hawaiian home-loan fund, shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the Chairman of the Commission."

55 Stat. 787.  
48 U. S. C. § 707a.

SEC. 9. Section 225 of the Hawaiian Homes Commission Act, 1920, as amended, is hereby further amended to read as follows:

"SEC. 225. INVESTMENT OF LOAN FUNDS; DISPOSITION.—The Commission shall have the power and authority to invest and reinvest any of the moneys in the loan fund, not otherwise immediately needed for the purposes of the fund, in such bonds and securities as authorized by Territorial law for the investment of Territorial sinking fund moneys. Any interest or other earnings arising out of such investments shall be credited to and deposited in the Hawaiian home-operating fund and shall be considered a deposit therein from the other sources mentioned in section 213 (d)."

*Ante*, p. 391.

Effective date.

SEC. 10. This Act shall take effect on and after the date of its approval.

Approved June 14, 1948.

#### [CHAPTER 465]

#### AN ACT

Making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1949, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1949, namely:

### TITLE I—DEPARTMENT OF LABOR

#### OFFICE OF THE SECRETARY

*Post*, p. 449.

Salaries and expenses: For expenses necessary for the Office of the Secretary of Labor (hereafter in this title referred to as the Secretary), including personal services in the District of Columbia; health service program as authorized by law (5 U. S. C. 150); teletype news service; and payment in advance when authorized by the Secretary for dues or fees for library membership in organizations whose publications are available to members only or to members at a price lower than to the general public; \$975,000.

60 Stat. 903.

June 14, 1948  
[H. R. 5728]  
[Public Law 639]

Labor-Federal Security Appropriation Act, 1949.